



United States Department of the Interior



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National Park Service
Interior Regions 8, 9, 10, and 12
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

IN REPLY REFER TO:
I.A.1 (PW-PRR)

March 11, 2021

Memorandum

To: Natural Resources Specialist, Bureau of Reclamation, Bay-Delta Office

From: Acting Regional Director, National Park Service, Interior Regions 8, 9, 10 and 12

Subject: The Lower American River Anadromous Fish Habitat Restoration Project

This memorandum is regarding the Bureau of Reclamation's (BOR) Anadromous Fish Habitat Restoration Project on the Lower American Wild and Scenic River (LAR).

In reviewing this project, we have considered the following:

- BOR Environmental Assessment in June 2019
- A Finding of No Significant Impact dated February 2, 2021
- Correspondence with Luke Davis of the BOR
- The 2015 National Marine Fisheries Service Biological Opinion

The LAR is a component of the National Wild and Scenic Rivers System. The National Park Service (NPS) is the federal river administering agency for the Lower American Wild and Scenic River with responsibility for making Section 7 determinations. The Interagency Wild and Scenic River Council defines a water resource project as "Construction of developments [including emergency repairs] that would affect the free-flowing characteristics of a Wild and Scenic River".

Section 7 of the Wild and Scenic Rivers Act (WSRA) prohibits federal agencies from "assist[ing] by loan grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established." Projects which do not meet the criteria for Section 7 may be subject to review under the protection and non-degradation clause in Section 10(a) the WSRA.

INTERIOR REGION 8 • LOWER COLORADO BASIN*
INTERIOR REGION 9 • COLUMBIA—PACIFIC NORTHWEST*
INTERIOR REGION 10 • CALIFORNIA—GREAT BASIN
INTERIOR REGION 12 • PACIFIC ISLANDS

AMERICAN SAMOA, ARIZONA*, CALIFORNIA, GUAM, HAWAII, IDAHO, MONTANA*,
NEVADA, NORTHERN MARIANA ISLANDS, OREGON, WASHINGTON

*PARTIAL

The NPS has reviewed the project under Sections 7 and 10(a) of the WSRA. The NPS considers the location of the project and the potential for direct and adverse effects on free-flow, water quality, and the river's outstandingly remarkable values (ORV) in determining whether a project warrants a WSRA Section 7 Determination. The subject project involves activity below the ordinary high-water mark and has the potential to directly and adversely impact free-flow, water quality, and the anadromous fish ORV. It is, therefore, subject to a WSRA Section 7 Determination.

This project will likely have some short-term impacts during construction to the Lower American River's ORV of anadromous fishery, mainly a temporary increase in turbidity during spawning gravel placement. The BOR will time construction to avoid sensitive fish species, in accordance with the NMFS BO and USFWS Letter of Concurrence issued for the project. There are also mitigation measures to protect the safety of recreationists, protect biological resources, and water quality during construction.

The documents we have reviewed outline measures that will be taken to minimize these impacts. The BOR is proposing to:

- Create new side channels
- Modify existing side channels
- Enhance existing floodplain habitat
- Place gravel and woody material below Nimbus Dam

Determination: The NPS's determination of consistency with the WSRA is predicated on the effective application of the NMFS reasonable and prudent measures and conservation recommendations and recreation mitigation measures contained in the documents provided. It is our understanding that the BOR's instream work will take place at times to minimize effects on Chinook salmon and steelhead and that long-term restoration goals for anadromous fish species in the Lower American River will have regional ecosystem and fisheries benefits beyond the immediate project area. The NPS has determined that the proposed project does not have a direct and adverse effect on the values for which the river was designated including free-flow, water quality, and the recreation and anadromous fishery ORVs. The project is, therefore, considered to be consistent with the WSRA.

If you have any further questions, please contact Steve Bowes, Hydropower Assistance Program, at 510-277-2166 or Barbara Rice, Program Manager, RTCA and Hydropower Assistance, at 415-308-4976.

Attachment: LAR.WSR.7a.BOR.restoration final 3.8.21.pdf

cc:

Barbara Rice, Program Manager, RTCA and Hydropower Assistance
Steve Bowes, Susan Roseborough, Hydropower Assistance Program



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region
333 Bush Street
San Francisco, CA



April 26th, 2018

Doug Kleinsmith
Division of Environmental Affairs
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: Lower American River Salmonid Spawning Gravel Augmentation and Side-Channel Habitat Establishment Program

Dear Mr. Kleinsmith:

This letter is regarding the Bureau of Reclamation's gravel program on the Lower American Wild and Scenic River. Reclamation completed an EA and signed a FONSI in 2008 to complete work in the Lower American River for improving spawning and rearing habitat which was supported by the National Park Service.

The Lower American is a component of the National Wild and Scenic Rivers System. Section 7 of the WSRA prohibits federal agencies from "assist[ing] by loan grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established." The National Park Service (NPS) is the federal administering agency for this section of the Lower American River with responsibility for making Section 7 determinations. The National Park Service is responsible for making sure that any project that meets these criteria on a designated river does not have any adverse impacts on the river's Outstandingly Remarkable Values (ORVs).

Based on the documents provided and the Reclamation website's Project Details I feel that the proposed project will not have a direct and adverse effect on the values for which the river was designated. However, if the project scope should change, further consultation with the National Park Service would be required.

If you have any further questions, please contact Steve Bowes at 415-623-2321 or Barbara Rice at 415-623-2320.

Sincerely,

Barbara Rice, Program Manager
Rivers, Trails and Conservation and Hydropower Assistance Programs



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region

1111 Jackson Street

Oakland, CA 94607

April, 16th, 2008

Doug Kleinsmith
Division of Environmental Affairs
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: Lower American River Salmonid Spawning Gravel Augmentation And Side-Channel Habitat Establishment Program

Dear Mr. Kleinsmith:

This message is in response to my review of materials provided regarding the Lower American River Salmonid Spawning Gravel Augmentation And Side-Channel Habitat Establishment Program

Section 7 of the Wild and Scenic Rivers Act prohibits federal agencies from "assisting by loan grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established."

Based on the information provided I feel that the proposed project will not have a direct and adverse effect on the values for which the river was designated. However if the project scope should change, further consultation with the National Park Service would be required.

If you have any further questions, please contact me at (510) 817-1451.

Sincerely,

Stephen Bowes
CA Wild and Scenic Rivers Coordinator
National Park Service
1111 Jackson Street, suite 700
Oakland, CA 94607